

REMARKS

The drawings have been objected to by the Examiner. The Applicants submit that formal drawings were filed on October 17, 2001 in compliance with 37 CFR 1.84(c). Accordingly, the Applicants request withdrawal of the objection to the drawings. Claims 1-32 are currently pending in the application. Claims 1-4, 7-14, 17-19, 22-26, and 29-32 have been amended. Claims 6, 16, and 28 have been canceled. Applicants respectfully request reconsideration of the outstanding rejections in view of the following amendments and remarks. No new matter has been entered in the instant application.

35 USC §103

Claims 1-32 have been rejected under 35 USC §103(a) as allegedly being unpatentable over U.S. Patent Application 2002/0188499 to Jenkins et al ("Jenkins"). Claims 1-4, 7-14, 17-19, 22-26, and 29-32 have been amended. Claims 6, 16, and 28 have been canceled. Applicants submit that claims 1-5, 7-15, 17-27, and 29-32 are patentable over Jenkins for at least the following reasons.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing a prima facie case of obviousness. *In re Fine*, U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988). The Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art; that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references; and that the proposed modification of the prior art must have had a reasonable expectation of success, determined from the vantage point of the skilled artisan at the time the invention was made. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

YOR920010146US1/131-0003

Applicants' claims 1 and 23 recite:

"creating at least one rule database;

assigning a priority to a demand record, said demand record containing a demand record attribute field and a demand record priority field; said assigning including:

selecting said at least one rule database, said at least one rule database including at least one record, a rule database attribute field that correlates to said demand record attribute field, and a rule database priority field;

querying said at least one rule database for a corresponding rule database record that contains data in said rule database attribute field that matches data in said demand record attribute field; and

based upon said querying, updating data in said demand record priority field with data from said corresponding rule database priority field."

Jenkins does not recite these features. Specifically, Jenkins does not recite creating a rule database. Nor does Jenkins recite a demand record including a demand record attribute field and a demand record priority field. Further, Jenkins does not teach or suggest "assigning a priority to a demand record, said demand record containing a demand record attribute field and a demand record priority field" as the Examiner suggests. Rather, Jenkins discloses a "substitution list" (p. 23, par. 0320), which specifies "potential alternates, or substitutes, for an item" (p. 23, par. 0318) whereby the alternative items are shipped "when inventory of the original item runs out" (p. 23, par. 0318) and is designed for "modeling promotions that involve items with multiple design variations and limited supply that are switched according to a predetermined schedule." (p. 23, par. 0318). Thus, the sample substitution list is not synonymous with the demand record and attributes provided in Applicants' claims 1 and 23.

YOK920010146US1/I31-0003

Moreover, Jenkins does not recite "said assigning [of a priority to a demand record] including: selecting said at least one rule database." The "assigning" of the Applicants' claims 1 and 23 is directed to demand records. The Examiner references a portion of the Jenkins reference that is directed to a safety stock component that teaches setting up a database to calculate safety stock using time-phased forward coverage durations. This is accomplished by dividing "SKUs into groups that show similar seasonality and are generally promoted at the same time...[and for each group] define[ing] a template in the database 600...[followed by] create[ing] the data for the template. To specify a time-phased forward coverage duration...enter a value specifying the coverage duration to be added..., the date when the forward coverage duration takes effect....[and]...assign SKUs to a template." (p. 5, par. 0065-0066).

The safety stock features performed in the Jenkins reference are separately implemented from the substitution component, neither of which are, individually or in combination, equivalent to the features recited in Applicants' claims 1 and 23. Moreover, the rule database of Applicants' claims 1 and 23 is not equivalent in form or function to the database 600 of the Jenkins reference which is defined on page 2, par. 19-25. Database 600 does not store rule database attribute fields correlating to a demand record attribute field, and a rule database priority field.

Jenkins does not teach or suggest querying said rule database for a corresponding rule database record that contains data in said rule database attribute field that matches data in said demand record attribute field. As Jenkins does not teach a rule database, it follows to reason that Jenkins cannot teach querying said rule database as provided in Applicants' claims 1 and 23. Additionally, Jenkins does not recite "based upon said querying, updating data in said demand record priority field with data from said corresponding rule database priority field." As indicated above, Jenkins does not recite a demand record including a demand record attribute field and a demand record priority field. Further, Jenkins does not teach or suggest "assigning a priority to a demand record, said demand record containing a demand record attribute field and a demand record

YOR920010146US1/131-0003

priority field" but rather teaches a substitution list. Thus, the Jenkins reference does not teach this element.

Applicants submit that, for at least the reasons provided above, Jenkins does not teach or render obvious Applicants' claims 1 and 23. Applicants respectfully request reconsideration of the outstanding rejections.

Applicants' amended claims 2, 12, and 24 recite:

"wherein said data in said corresponding rule database attribute field contains an explicit value operable for specifying a priority to be given to a demand record;

wherein said match occurs if said data in said demand record attribute field is contained within said explicit value."

Applicants have amended claims 2, 12, and 24 to specify the nature of the "explicit value." Applicants submit that Jenkins does not teach or render obvious Applicants' amended claims 2, 12, and 24 and respectfully request reconsideration of the outstanding rejections.

Applicants' amended 3, 13, and 25 recite:

"wherein said data in said corresponding rule database attribute field contains a hierarchy value operable for specifying a priority to be given to a hierarchy level defined within said rule database attribute field;

wherein said match occurs if said data in said demand record attribute field is contained within said hierarchy value."

Applicants have amended claims 3, 13, and 25 to specify the nature of the hierarchy value. The hierarchy value specifies a priority to be given to a hierarchy level that is defined within the rule database attribute field. Jenkins does not recite this feature.

YOR920010146US1/I31-0003

Applicants submit that Jenkins does not teach or render obvious Applicants' amended claims 3, 13, and 25 and respectfully request reconsideration of the outstanding rejections.

Applicants' amended claims 4,14 and 26 recite:

"wherein said data in said corresponding rule database attribute field contains a wildcard value operable for specifying a default priority value to said rule database attribute field;

wherein said data in said demand record attribute field is not used in said matching."

Applicants have amended claims 4, 14, and 26 to specify the nature of the "wildcard value." Jenkins does not teach or recite an explicit value as provided in Applicants' amended claims 4, 14, and 26. Thus, Applicants submit that Jenkins does not teach or render obvious Applicants' amended claims 4, 14, and 26 and respectfully request reconsideration of the outstanding rejections.

Applicants' claims 5, 15, and 27 recite:

"wherein said demand record attribute field includes due date, customer, and demand type."

Applicants submit that claims 5, 15, and 27 are patentable over Jenkins for at least the reasons specified above with respect to claims 1 and 23. Applicants respectfully request reconsideration of the outstanding rejections.

Applicants' claims 6, 16, and 28 have been canceled rendering the rejections moot.

Applicants' have amended claims 7, 17, and 29 to recite:

Y0R920010146US1/I31-0003

"updating said at least one record in said at least one rule database." Applicants submit that claims 7, 17, and 29 are patentable over Jenkins for at least the reasons provided above with respect to claims 1 and 23. Reconsideration of the rejections is respectfully requested.

Applicants' amended claims 8, 18, and 30 recite:

"creating said hierarchy value, said hierarchy value containing a hierarchy level."

Applicants submit that amended claims 8, 18, and 30 are patentable over Jenkins for at least the reasons provided above with respect to claims 1 and 23. Applicants request reconsideration of the outstanding rejections.

Applicants claims 9, 19, and 31 recite:

"creating said hierarchy value, said hierarchy value containing said explicit value."

Applicants submit that claims 9, 19, and 31 are patentable over Jenkins for at least the reasons provided above with respect to claims 1 and 23. Applicants respectfully request reconsideration of the outstanding rejections.

Applicants have amended claims 10 and 32 to recite a method and storage medium including:

"creating at least one rule database;

assigning a priority to a demand record, said demand record containing a demand record attribute field and a demand record priority field; said assigning including:

selecting said at least one rule database, said at least one rule database including at least one record, a rule database attribute field that correlates to said demand record attribute field, and a rule database priority field;

YOR920010146US1/T31-0003

querying said at least one rule database for a corresponding rule database record that contains data in said rule database attribute field that matches data in said demand record attribute field, said matching comprising:

querying said at least one rule database for an explicit data match;

if no said explicit data match exists, querying said at least one rule database for a hierarchy value match; and;

if no said explicit data match or said hierarchy value data match exists, querying said at least one rule database for a wildcard match; and

based upon said querying, updating data in said demand record priority field with data from said corresponding rule database priority field.”

Applicants submit that claims 10 and 32 are patentable over Jenkins for at least the reasons provided above with respect to claims 1-4 and 23. Applicants respectfully request reconsideration of the outstanding rejections.

Applicants' amended claim 11 recites:

“a storage device storing master planning priority assignment data;

a user system; and

a host system in communication with said storage device and said user systems, said host system implementing a process comprising:

creating at least one rule database;

assigning a priority to a demand record, said demand record containing a demand record attribute field and a demand record priority field; said assigning including;

Y0R920010146US1/I31-0003

selecting said at least one rule database, said at least one rule database including at least one record, a rule database attribute field that correlates to said demand record attribute field, and a rule database priority field;

querying said at least one rule database for a corresponding rule database record that contains data in said rule database attribute field that matches data in said demand record attribute field; and

based upon said querying, updating data in said demand record priority field with data from said corresponding rule database priority field.

Applicants submit that amended claim 11 is patentable over Jenkins at least for the reasons stated above with respect to claims 1 and 23. Applicants respectfully request reconsideration of the rejection.

Applicants' claim 22 recites:

"at least one rule database;

a storage device storing master planning priority assignment data associated with said at least one rule database;

a user system; and

a host system in communication with said storage device and said user systems, said host system implementing a process comprising:

creating said at least one rule database;

assigning a priority to a demand record, said demand record containing a demand record attribute field and a demand record priority field; said assigning including:

Y0R920010146US1/I31-0003

selecting said at least one rule database, said at least one rule database including at least one record, a rule database attribute field that correlates to said demand record attribute field, and a rule database priority field;

querying said at least one rule database for a corresponding rule database record that contains data in said rule database attribute field that matches data in said demand record attribute field, said matching comprising:

querying said at least one rule database for an explicit data match;

if no said explicit data match exists, querying said at least one rule database for a hierarchy value match; and

if no said explicit data match or said hierarchy value data match exists, querying said at least one rule database for a wildcard match; and

based upon said querying, updating data in said demand record priority field with data from said corresponding rule database priority field.”

Applicants submit that amended claim 22 is patentable over Jenkins at least for the reasons stated above with respect to claims 1-4 and 23. Applicants respectfully request reconsideration of the rejection.

Applicants' claim 20 recites:

“a network providing communication between the host system and the user system.” Applicants' claim 21 recites: “a network providing communication between the storage device and the host system.” Claims 20 and 21 depend from what is an allowable claim 11. For at least this reason, claims 20 and 21 are in condition for allowance. Applicants respectfully request reconsideration of the outstanding rejections.

Y0R920010146US1/131-0003

Conclusion

The Applicants submit that the instant application is in condition for allowance. Immediate notification to this effect is respectfully requested. No new matter has been entered and no additional fees are believed to be required. However, if any fees are due with respect to this Amendment, please charge them to Deposit Account No. 50-0510 maintained by Applicants' attorneys.

Respectfully submitted,

CANTOR COLBURN LLP

By Marisa J. Dubuc
Marisa J. Dubuc
Registration No. 46,673
Customer No. 23413

Date: April 9, 2004
Address: 55 Griffin Road South, Bloomfield, CT 06002
Telephone: (860) 286-2929

Y0R920010146US1/131-0003